

Appl. No.: 10/696,475
TC/A.U.: 3711 Docket No.: D03-61
Reply to Office Action of September 30, 2004

REMARKS

In the specification, the paragraph bridging the bottom of page 2 and the top of page 3 has been amended to more properly describe the materials set forth in the application. Support for these amendments can be found in the parent application No. 10/077,081, at least in the original claims.

Claims 1-7 and new claims 10-16 appear in this application for the Examiner's review and consideration.

Claim 1 has been amended to recite that the terpolymer is a non-ionomeric terpolymer. Support for the amended element(s) is found in the Specification, on pages 2-3 and 8-9 and in the original claims of parent application No. 10/077,081. Claim 9 was rejected under 35 U.S.C. § 112, but has been deleted. Therefore, this rejection is moot.

New claims 10-16 have been added. No new matter has been added by these amendments and additions.

Rejection Over U.S. Patent No. 6,123,324

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,123,324. The Examiner indicated that the '324 patent teaches an inner cover layer comprised of an E/X/Y copolymer, wherein E is ethylene, X is a softening monomer and Y is carboxylic acid. Since the '324 discloses this terpolymer, the Examiner found that it must also have all of the properties set forth in the claims.

However, the applicant contends that the '324 patent does not teach or suggest the claimed invention. The '324 patent is directed to an ionomer inner cover layer. As the Examiner is well aware, ionomers are very resilient and provide very good properties for inner covers of particular golf balls. On the other hand, the present invention is directed to a water vapor barrier layer that allows the golf ball designer to add a barrier layer without significantly changing the designed properties of the ball as discussed on page 8, lines 11-13. In fact, the application specifically draws attention to the benefits of the claimed materials over the ionomers such as Surlyn®. The first differentiation is that the materials disclosed in the specification have better water vapor barrier properties as set forth on page 7, lines 7-10. The specification states that materials preferably have a water vapor transmission rate that is less than the rate for ionomers, which is typically about 0.45 to 0.95 g mm/m² day. The second advantage is that the melt flow index is substantially higher than

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with ionomers as set forth on page 8, lines 4-6. The specification points out that the preferred materials have very high melt flow rates, *i.e.*, Nucrel® 599 at 500g/10 min and Nucrel® 2940 at 395g/10 min compared to Surlyn®, which is between 1g/10 min and 14 g/10 min.

Therefore, it is the applicant's belief that the '324 patent does not disclose or suggest the claimed invention herein. More importantly, it is clear that the '324 patent is using the ionomer inner cover for the preferred material properties that can be obtained with ionomers such as Surlyn®. Thus, the present claims which are directed to a non-ionomeric materials as set for in claims 1 and 15 and the very high melt flow materials as set forth in claim 10 are not rendered obvious by the teachings in the '324 patent.

Accordingly, independent claims 1 and 10 are believed to be in condition for allowance for at least the reasons set forth above. Moreover, the remaining claims 2-7, 11-14 and 16 depend from the claims discussed above and add additional features. These claims are believed to be patentable for the totality of the claimed inventions therein and by virtue of their dependence from the independent claims. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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Date

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